

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare – Appeal Petition filed by Sri G. Durga Prasad against the Proceedings dated: 07-10-2000 of the District Collector, Anantapur for Cancellation of Scheduled Caste Certificate –Appeal Dismissed – Orders – Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.Ms.No. 67

Dated: 02-12-2011.

Read the Following:

1. Proceedings of the District Collector, Anantapur, Rc. MC: 3/1477/99, dated: 07-10-2000.
2. Appeal Petition of Sri G. Durga Prasad, S/o. G.Subbanna, R/o. Neelakantapuram, Madakasira (M), Anantapur Dist., Dated: 19.2.2001.
3. Govt. Memo.No. 2706/CV-1/2001-1, S.W.Dept., Dt: 20-02-2001.
4. The District Collector, Anantapur, Rc. MC3/1477/99, dated: 07-03-2001.
5. Govt.Letter No. 2706/CV-1/2001-44, S.W.Dept., Dt: 21-09-2011.

O R D E R:

Keeping in view of the recommendations of the District Level Scrutiny Committee and in exercise of powers conferred under sub-rule 7 of Rule 9 of A.P (SCs/STs/BCs) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 issued vide G.O.Ms.No.58, Social Welfare (J) Department, dated: 12-05-1997 read with u/s 5 (1) of A.P (SCs/STs/BCs) Regulation of Issue of Community Certificates Act.16/1993 the fraudulent caste certificate obtained by Sri G.Durga Prasad, S/o.Smt.G.Venkatamma of Sugur Village of Hindupur Mandal as “Madiga” (SC) the then Mandal Revenue Officer, Hindupur on 09-2-1990 was cancelled by the District Collector, Ananthapur in the reference 1st read above duly declaring that the individual does not belongs to Scheduled Caste (Madiga) Community.

Aggrieved by the proceedings of the District Collector, Ananthapur the appellant Sri G.Durga Prasad, S/o. late Sri G.Subbanna filed an appeal petition before the Government vide reference 2nd read above with the following grounds in support of his claim.

1. The order of the first respondent is contrary to law, weight of evidence and probabilities of the case.
2. The 1st respondent ought to have passed the orders against the Revision Petitioner herein even though; he has established that he was brought up by late Sri H.Hanumantharayappa.
3. The 1st respondent ought not to have rejected the claim of the petitioner/applicant herein for non production of the adoption deed, as it was with late Hanumantharayappa.
4. The 1st respondent ought to have examined the relatives of late H.Hanumantharayappa before forming to the conclusion, whether the applicant has brought up by late H.Hanumantharayappa who belongs to S.C (Madiga) or not.
5. The lower court ought to have unless the Head-Master is going to satisfy that he may write on records that the applicant belongs to SC. Community.

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6. The lower court ought not to have come to the conclusion since the applicant has married Yadav (Golla) girl, so the applicant belongs to Yadava by Caste.
 7. The 1st respondent failed to see that the S.C. Community person can marry any upper caste girl, there is no bar.
 8. The 1st respondent failed to record the written statement from the brother and sister of the applicant whether the applicant has given to on adoption to late Sri H.Hanumantharayappa or not.
3. The Government have admitted the appeal petition of Sri G.Durga Prasad and stayed the operation of the proceedings, Rc. MC:3/1477/99, dated: 07-10-2000 of the District Collector, Ananthapur and requested the District Collector, Ananthapur to furnish the parawise and connected records vide memo 3rd read above.
4. The District Collector, Ananthapur vide letter 4th read above has furnished the parawise remarks and connected records.
5. The Government after examination of the matter and available records it is observed that;
- i. The enquiry conducted by the District Collector, Anantapur revealed that, one Sri G.Suryanarayana who is the brother of Sri G.Durga Prasad and Smt.G.Venkatamma, mother of Sri G.Durga Prasad have signed in the application as guardian of Sri G.Durga Prasad at the time of admission of the individual into XII class in Nethaji Municipal High School, Hindupur on 23.6.1984, Sri G.Suryanaraya brother of the petitioner has himself admitted the fact, during the enquiry conducted by the Deputy Tahsildar, Hindupur. It is clearly established that Smt G.Venkatamma, the mother of the petitioner is alive at the time of admission of the petitioner into X class. The petitioner has stated that he went for adoption in VII class after demise of his mother which is not correct as recorded proof i.e. copy of the application form seeking admission of the petitioner into Xth Class.
 - ii. The petitioner has stated that he could not produce the adoption deed before the District Collector, Ananthapur at the time of enquiry as there was no opportunity. He himself has stated before the DLSC that no adoption deed was available. He further deposed that he has no evidences to prove that Late H.Hanumantharayappa and his wife Marekka belongs to S.C.Madiga, who are said to be brought up the petitioner.
 - iii. The petitioner was given reasonable opportunity to represent his case and produce the records / documents before the DLSC in support of his claim. But the individual could not produce any substantial proof that he belongs to S.C. Community.
 - iv. This is a clear case of obtaining fraudulent caste certificate for the benefits of Reserved Quota. There are substantial recorded proofs in this case to establish that, the individual belongs to Yadava (Golla) B.C. Community. The District Level Scrutiny Committee has examined all the aspects in this case and recommended for cancellation of bogus caste certificate held by the appellant as S.C.Madiga. The appellant is trying to get the case in his favour on the point that he was given for adoption to one Sri.H.Hanumantharayappa and Marekka and brought up by them. There are substantial recorded proofs to believe the version of the individual and infact there are ample recorded proofs that the individual

belongs to B.C.Yadava Community. It is also observed that the name of Hanumantharayappa does not figure as father of the appellant in any document viz. school records, Office Records etc., The appellant appears to be contesting the case presuming that he will be considered as S.C. in case if he will establish that he was brought up by the S.C. People. This is a case of obtaining fraudulent caste certificate for getting the benefits from the Government under S.C. Reserved Quota which adversely affect the real S.C. Community people.

6. The case was taken up for personal hearing before the Appellate Authority about 56 times. Out of them, the appellant has appeared only for three times. On 23-03-2011 the appellant did not appear and instead the appellant's father-in-law by name Sri Brahmananda Reddy has attended without any authorisation and requested for final chance for personal hearing. Accordingly, the appellant was given opportunity for personal hearing on 18-04-2011, 29-04-2011 and 10-10-2011, but the appellant did not attend for personal hearing on the said dates.

7. The Government, after careful examination of the proceedings dated: 07-10-2000 of the District Collector, Anantapur and material available with the Government, it is observed that, Sri G.Durga Prasad does not belong to Scheduled Caste (Madiga) Community.

8. Government, in exercise of the powers conferred u/s 7 of Act No 16 of 1993, decided that the appeal petition filed by Sri G.Durga Prasad does not deserve any interference as the appellant has not produced any recorded evidence to prove that he belongs to S.C (Madiga) Community. Therefore, the Proceedings of the District Collector, Anantapur, issued vide Rc.MC3/1477/99, dated: 07-10-2000 are upheld and the appeal petition of Sri G.Durga Prasad is hereby dismissed.

9. The District Collector, Anantapur is directed to take further necessary action in the matter accordingly.

10. The records furnished by the District Collector, Anantapur vide 4th read above (containing pp. 1-200) are returned herewith and he is requested to acknowledge the receipt of the same at earliest.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector, Anantapur (w.e) (by RPAD)
(With Original Records)
(He is also requested to serve the G.O to the appellant
and furnish the acknowledgment copy to Government)

Sri G. Durga Prasad, S/o. Sri G. Subbanna,
C/o.N.R. Brahmananda Reddy, S/o.N.Rangappa,
Neelakantapuram post, Madakasira (M),
Anantapur District.

Copy to:

The PS to Hon'ble M (SW)
The PS to Principal Secretary (SW)
SF/SC

//Forwarded by Order//

Section Officer.